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RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
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S E C R E T KABUL 003768

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STATE FOR P, SCA/FO (DAS GASTRIGHT), SCA/A (SINGRAM), S/WCI
(MSTAMILLO, MSHIN, ARICCI), L/PM (JDOROSIN)
NSC FOR JWOOD
OSD FOR MPORGES
CENTCOM FOR CG CJTF-82, POLAD, CSTC-A, SOUTHCOM, JTF-GTMO

E.O. 12958: DECL: 11/05/2017

TAGS: KAWC MARR PTER PGOV PINS PREL AF

SUBJECT: THIRD TRANSFER OF AFGHANS FROM GUANTANAMO TO
AFGHAN CUSTODY COMPLETE; THREE ACQUITTED ANDF DETAINEES
WILL BE RE-TRIED

REF: A. KABUL 03625
 1B. KABUL 03277
 1C. KABUL 02647

Classified By: Pol/Mil Counselor Brent Hartley for reasons 1.4(b) and (d).

11. (S/REL IROA) On November 4, eight Afghans were transferred from Guantanamo Bay (GTMO) to the Afghanistan National Detention Facility (ANDF); IROA officials were notified verbally on October 29 of the (then pending) transfer. On November 5, Emboffs met with Zia Mohammed Salehi, Director of the Situation Room in the Office of the National Security Council (ONSC), to provide details on the eight detainees transferred on November 4. This was the third such transfer of detainees from GTMO to Afghan custody, making a total of 19 Afghans transferred from GTMO to the ANDF. Additionally, two further transfers from the Bagram Theater Internment Facility (BTIF) to the ANDF occurred on October 10 (20 detainees) and October 18 (19 detainees).

12. (S/REL IROA) Following up on Ref A, Emboffs were told that three out of the four ANDF detainees acquitted in trials that concluded on October 23 will be re-tried; the three remain in ANDF custody pending a re-trial. (COMMENT: IRoA law allows for the repeated prosecution of an acquitted individual, up to three times, analogous to a defendant's right of appeal in U.S. law.) The above listed transfers, in conjunction with these two detainee releases, bring the total number of detainees incarcerated at the ANDF to 161. Embassy has requested a status update from the Ministry of Justice on the three detainees to be re-tried.

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